

1 RENE L. VALLADARES
Federal Public Defender
2 State Bar No. 011479
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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 KENYATTA BERNARD STEPPES,
14 Defendant.

Case No. 2:14-cr-100-GMN-GWF

**MOTION FOR LATE FILING OF
NOTICE OF APPEAL**

AND ORDER

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16 COMES NOW the Defendant Kenyatta Bernard Steppes, by and through his attorney of
17 record, Amy B. Cleary, Assistant Federal Public Defender, and respectfully requests this Court enter
18 an Order excusing Mr. Steppes' late filing of a Notice of Appeal to the United States Court of
19 Appeals for the Ninth Circuit from the Judgment of Conviction, entered on April 15, 2015, imposing
20 a sentence of 188 months' custody. CR #29.

21 This motion is made pursuant to Federal Rule of Appellate Procedure 4(b)(4) and is based
22 upon the following Points and Authorities filed herewith.

23 DATED this 6th day of May, 2015.

24 RENE L. VALLADARES
Federal Public Defender

25 /s/ Amy B. Cleary
26 AMY B. CLEARY,
27 Assistant Federal Public Defender
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POINTS AND AUTHORITIES

Federal Rule of Appellate Procedure 4(b)(4) states: “Upon a showing of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time or filing a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b).” See Fed. R. App. P. 4(b)(4).

This Court sentenced Defendant Kenyatta Bernard Steppes on April 9, 2015. CR # 29. The Judgment of Conviction was entered on April 15, 2015. CR #26. As the Judgment of Conviction was entered on April 15, 2015, a Notice of Appeal was due no later than April 29, 2015. See Fed. R. App. P. 4(b)(A)(i). Mr. Steppes did inform his trial counsel of his desire to appeal his sentence in a timely manner. However, due to staffing issues within the Office of the Federal Defender, the Notice of Appeal was not timely filed. This issue was only discovered on May 6, 2015, and this Motion for Late Filing of Notice of Appeal was immediately prepared. Mr. Steppes entered a guilty plea without the benefit of a plea agreement and is, therefore, not barred from pursuing this appeal.

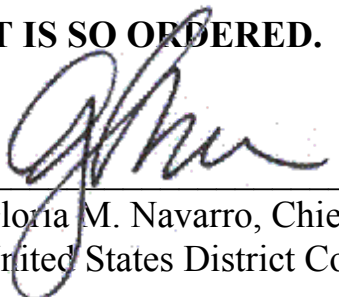
Mr. Steppes is within the 30-day rule prescribed by Federal Rule of Appellate Procedure 4(b)(4) to request this extension. In this case, good cause has been shown, as the late filing is not the fault of Mr. Steppes, but instead, was the result of a staffing issue within the Federal Defender’s Office. Mr. Steppes, therefore, respectfully requests an extension of time to file the attached Notice of Appeal. The equities support this Court entering an Order allowing Mr. Steppes to file an out-of-time Notice of Appeal. Undersigned counsel will electronically file the attached Notice of Appeal, upon receipt of the Court’s Order granting the filing of such.

DATED this the 6th day of May, 2015.

RENE L. VALLADARES
Federal Public Defender

IT IS SO ORDERED.

/s/ Amy B. Cleary
AMY B. CLEARY,
Assistant Federal Public Defender



Gloria M. Navarro, Chief Judge
United States District Court

DATED: 05/11/2015

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on May 6, 2015, she served an electronic copy of the above and foregoing **MOTION TO ALLOW LATE FILING OF NOTICE OF APPEAL** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
Lisa Cartier-Giroux
Assistant U.S. Attorney
333 Las Vegas Blvd South
Las Vegas, NV 89101

/s/ Maribel Bran
Employee of the Federal Public Defender

EXHIBIT “A”

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11 UNITED STATES OF AMERICA,
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14 KENYATTA BERNARD STEPPES,
15 Defendant.

Case No. 2:14-cr-100-GMN-GWF

NOTICE OF APPEAL

16 NOTICE is hereby given that KENYATTA BERNARD STEPPES, defendant herein, hereby
17 appeals from any adverse rulings and determinations in this matter to the United States Court of
18 Appeals for the Ninth Circuit from the judgment and conviction entered on April 15, 2015.

19 DATED this 6th day of May, 2015.

20 RENE L. VALLADARES
Federal Public Defender

21 */s/ Amy B. Cleary*

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23 AMY B. CLEARY,
Assistant Federal Public Defender
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The undersigned hereby certifies that she is an employee of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on May 6, 2015, she served an electronic copy of the above and foregoing **NOTICE OF APPEAL** by electronic service (ECF) to the person named below:

DANIEL G. BOGDEN
United States Attorney
LISA CARTIER-GIROUX
Assistant United States Attorney
333 Las Vegas Blvd. So., 5th Floor
Las Vegas, Nevada 89101

/s/ Maribel Bran

Employee of the Federal Public Defender